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THE INTERIM

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Montana Legislative Council

MARCH 1992 HELENA, MONTANA Vol. VIII No. 10

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SUBCOMMITTEE ON STATE-OWNED AIRCRAFT

Committee Appointments Made...The Speaker of the House and the Senate Committee on Committees have appointed the members to the Joint Interim Subcommittee on State-owned Aircraft. House members are Representatives Bob Gilbert, Bob Ream, Jim Rice, and Ted Schye. Senate members are Senators Cecil Weeding, Bob Williams, Jerry Noble, and Gerry Devlin. Connie Erickson and Valencia Lane from the Legislative Council will serve as committee researcher and attorney, respectively. Anyone wishing to be on the Interested Persons' list for this subcommittee should contact Connie Erickson at the Council.

JOINT COMMITTEE ON POSTSECONDARY EDUCATION POLICY AND BUDGET

Committee Meets in Helena...The Joint Committee on Postsecondary Education Policy and Budget met on February 24, 1992, in the State Capitol. The committee heard several reports on the Commitment to Quality (downsizing) effort, including the perspective of Montana Education Commission for the 90's and Beyond by member Don Peoples, and the background, mechanisms, and processes of the current effort by committee members Jim Kaze, Tom Topel, and John Hutchinson. The

committee also heard reports on the concept of fiscal incentives, the Montana university system's outcomes assessment project, and the status of the Regents Employee Reporting System (RERS), and discussed the availability and coordination of nursing education programs in the state.

Meeting Scheduled for April...The next meeting of the committee has been tentatively scheduled for April 24 in Helena. Topics scheduled for the committee's next meeting include updates on the Commitment to Quality effort (including campus downsizing plans due to the Board of Regents on April 15) and Board of Regents' tuition policy, a status report on higher education telecommunications projects, and a review of the role of the military in the provision of higher education in the state.

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Special Session Omitted...We have learned that the list of "Special Sessions of the Montana Legislature" published in the October 1990 *Interim* omitted one special session called by Governor Sam Stewart during the Sixteenth Legislature. This session lasted from July 29, 1919 to Aug. 11, 1919 and addressed the issues of drought relief, highway construction and women's suffrage. A corrected copy of the full list of Montana's Special Sessions can be obtained from the Council Library.

Special Session Minutes Being Copied...Minutes from the 1992 Special Session are still being received and copied onto microfiche. Contact the Library at 444-3064 for further information about availability.

JOINT INTERIM SUBCOMMITTEE ON MANDATED HEALTH INSURANCE BENEFITS

Subcommittee Meets in Billings...The Joint Interim Subcommittee on Mandated Health Insurance Benefits met in Billings on February 7. Representatives from the Montana Hospital Association, the Montana Medical Association, and the Montana Mental Health Counselors testified on the impacts of mandated health insurance benefits.

Mandated Benefits Review Commission...A draft proposal was presented regarding the formation of a mandated benefits review commission. The purpose of a commission is to review proposed mandated benefits prior to a legislative session. The commission would then make a recommendation to the Legislature. A commission could also review existing mandates. Discussion centered on the scope of the

commission, its make-up, and name. Staff was asked to revise the proposal based on Subcommittee comments.

Next Meeting in Great Falls...The Subcommittee will meet on Friday, April 3 at the Great Falls Vo-Tech Center Auditorium. The Subcommittee will discuss the revised proposal for a review commission.

JOINT SELECT COMMITTEE ON WORKERS' COMPENSATION

Committee Holds Third Meeting...The third meeting of the committee was held on February 12. The Committee received information regarding options for remedial action for the "Old Fund" unfunded liability and a report on the turn-around of the Oregon system. The Committee decided to limit their focus on revenue options and requested further comparison between the Oregon system and Montana's current workers' compensation system.

To Meet Again in March...The next meeting has been scheduled for March 18 in Helena, 9:30 a.m., Room 104 of the Capitol. The first two hours of the meeting will be reserved for further discussion on the "Old Fund", and the remainder of the meeting will be dedicated to the "New Fund." Comments will be received from interested parties regarding the "New Fund".

COAL TAX OVERSIGHT SUBCOMMITTEE

Meeting Rescheduled...The Coal Tax Oversight Subcommittee meeting scheduled for March 20 has been moved to Monday, April 6, when written reports submitted by agencies using coal tax proceeds will be considered. At the meeting, the members will also consider the Subcommittee's statutory duty to recommend changes in the "uses of the coal tax trust fund to develop a stable, strong, and diversified Montana economy that meets the needs of present and future generations of Montanans while maintaining and improving a clean and healthful environment..." The meeting will begin at 9:30 a.m. in Room 108 of the Capitol.

JOINT INTERIM SUBCOMMITTEE ON SCHOOL FUNDING

Subcommittee to Meet in March...The third meeting of the Joint Interim Subcommittee on School Funding has been called for 9:00 a.m., Friday, March 20 in Room 413 of the State Capitol, (Senate Taxation room). The tentative agenda centers on working through the various options for a long-range plan for equalization of school facility funding. OPI will have current data on school facility costs in the last few years and what a GTB program for facilities might cost. The education community and other interested persons are invited to provide some concrete suggestions in this area. There may be time on the agenda to review the school funding structure and how the revenue sources have changed over the years, resulting in the state equalization account cash flow problems.

Subcommittee Assigned New Duty...The legislative leadership has asked the Subcommittee to also study school administrative costs. While the Subcommittee won't be exploring that issue yet, the co-chairmen felt that other pending work could be advanced in order to fit everything in by September.

COMMITTEE ON THE MONTANA STATE HOSPITAL

Committee Meets at State Hospital...The Committee on the Montana State Hospital completed its fourth meeting of the interim with a 2-day tour of the Montana State Hospital, a public hearing, and a panel discussion on the state hospital's role in the long-term care of the elderly.

The Committee is charged by HB 966 to determine the appropriate role of the Montana State Hospital as the institutional anchor of mental health services in Montana. The Committee must also explore, without limit, potential alternative uses of the physical plant and staff resources of the hospital.

Conducted by the professional staff of the state hospital, the state hospital tour provided Committee members with a first-hand look at the facilities and in-patient programs for seriously mentally ill clients. The tour also included a review of the alcohol and drug treatment programs, the nursing home facilities, and the acute care hospital located on the Galen campus.

The public hearing, conducted at the receiving hospital of the Warm Springs campus, attracted hospital staff, patients, consumer advocates, attorneys, city planners, and political leaders. Testimony reflected deep

concern about the future of the Montana State Hospital facilities and staff and the emotional complexity of the issues faced by the state in providing treatment for the seriously mentally ill.

The panel on long-term care included professional medical staff from the Warm Springs and Galen campuses, representatives from the Department of Health and Environmental Sciences, the Department of Social and Rehabilitation Services, the Mental Disabilities Board of Visitors, the Billings Community Mental Health Center, and the Center for the Aged. Through the panel discussion, the Committee explored the mission of the Center for the Aged, alternative community services for the elderly, the mission of the Galen nursing home, the mission of the Warm Springs nursing home that provides active psychiatric treatment for the elderly, and prescreening requirements for placing patients in nursing homes.

Committee to Meet in Great Falls...The Committee's next meeting will be held Tuesday and Wednesday, March 10 and 11, at the Rainbow Hotel in Great Falls. This meeting will be used to explore the programs of community mental health centers in each region and the region's interaction with the Montana State Hospital. On Tuesday, March 10, beginning at 1 p.m., Committee members will visit the Great Falls New Directions Center, a group home, and the in-patient psychiatric unit of the Deaconess Hospital. Beginning at 8 a.m. on Wednesday, March 11, in the Rainbow Hotel's Cattleman's Room, directors of each of the community mental health centers will present overviews of the programs in their region. The afternoon session will be an open roundtable discussion with representatives of every faction of the mental health system. The discussion will focus on the role of the Montana State Hospital and the status of community-based alternatives.

For more information about the Committee on the Montana State Hospital, contact Sheri Heffelfinger, Staff Researcher, or David Niss, Staff Attorney at the Legislative Council, 444-3064.

SUBCOMMITTEE ON PUBLIC EMPLOYEE RETIREMENT SYSTEMS

Subcommittee Holds Public Hearing...The Subcommittee on Public Employee Retirement Systems held a public hearing on February 5 and met on February 6 to hear staff presentations on state retirement systems. The primary issues raised at the public hearing were cost-of-living adjustments (COLAs) for retirees; health care benefits for retirees; consolidating similar occupations under one system, such as public safety occupations; and the 2.5% "make whole" adjustment provided under SB 226, which also provided for a tax on state employee retirement benefits.

Will Explore COLAs...During its February 6 meeting, the Subcommittee heard a report on COLAs, consolidation, and pension oversight commissions in other states and a comparative analysis of each of the statewide retirement systems. The Subcommittee decided to explore at its next meeting the costs of a 2, 3, 4, and 5 percent COLA for retirees and alternatives for structuring a pension oversight commission that would review all proposed retirement legislation. The Subcommittee will also hear an update on the progress of the Revenue Oversight Committee's study of SB 226. The date for the Subcommittee's next meeting has not been finalized but will most likely be held on March 26 or 27. For further information, contact Sheri Heffelfinger, Researcher, Legislative Council, 444-3064.

REVENUE OVERSIGHT COMMITTEE

Mar. 19 Meeting Date...The Revenue Oversight Committee will meet at 9:15 a.m. on Thursday Mar. 19, in Room 104 of the Capitol. The Committee will hear a report from the Agriculture Advisory Committee. The purpose of the advisory committee, appointed by the Department of Revenue as provided in 15-7-201, MCA, is to assist the Department in the valuation of agricultural property.

Staff Reports...The Committee will hear an analysis on the current Montana personal income tax structure as part of the HJR 55 comprehensive tax study. Staff has been working with representatives of the University system for assistance with the conduct of the study. Staff will also present a background report on the taxation of retirement income as part of the study required by SB 226.

Department of Revenue Reports...Department reports will include:

(1) Capitalization rates for commercial property
(2) Litigation report
(3) Sales assessment ratio study rules
(4) Rules relating to the tax credit for property used to recycle reclaimable material as provided in SB 111
(5) Liquor store conversions
(6) Tax negotiations with Indian tribes

ENVIRONMENTAL QUALITY COUNCIL

Council Meets in February...The Environmental Quality Council met on February 18 and 19. Agenda items included hazardous waste, hard-rock mining, forestry, and lakeshore development.

Lakeshore Development Study...The Council continued its Lakeshore Development Study by receiving the results of citizen and local government surveys. Consistency among local lakeshore regulations was analyzed, and a comparison of lakeshore, subdivision, and zoning regulations was presented to the Council. The Council Lakeshore Study Subcommittee will hold public hearings regarding this issue prior to the next Council meeting.

Hard-Rock Mining and Water Quality...The Council heard a panel presentation with Department of Health and Environmental Sciences (DHES) and Department of State Lands (DSL) personnel discussing hard-rock mining and water quality impacts. Issues specifically addressed included the DSL-DHES memorandum of understanding and nondegradation standards. The Council requested additional information regarding the current state nondegradation policy for the next meeting.

Hazardous Waste...The Council received updates regarding the Boiler and Industrial Furnaces rules adoption process and a proposal to burn PCB contaminated waste in Missoula. Council staff presented information regarding an interagency staff review of all solid and hazardous waste statutes. The purpose of this review would be to identify statutory omissions, overlaps, and conflicts. The Council will take this issue up again at the next meeting.

Other Issues...The Council also received updates on the Montana Environmental Policy Act (MEPA) agency training project, the state water planning process, implementation of the Streamside Management Zone Act, State Forest Land Management Plan, the Energy Policy Study, Environmental Problems/Risk Assessment Project, and the DHES solid waste management fee rules adoption process.

Next Meeting...The next meeting will be held in early April. In addition to those issues identified above, tentative agenda items include panel discussions regarding hazardous waste, specifically the Livingston clean-up efforts and proposals to burn hazardous waste in cement kilns, and updates on the Board of Oil and Gas MEPA rules and the state water planning process. For an agenda or more information regrading these issues, please contact the EQC staff.

WATER POLICY COMMITTEE

January Meeting...The Water Policy Committee met on January 31 in Helena. Agenda items included dam safety, geothermal resources, water research, and wilderness dams.

Dam Safety...The Committee continued the legislatively mandated Dam Safety and the Geothermal Resources studies. Department of Natural Resources and Conservation (DNRC) personnel presented information on risk assessment, and the Committee identified the issues it wished to consider further. The Committee will not make any recommendations on specific study issues until it receives and analyzes relevant public comments.

Geothermal Resources...A U.S. Geological Survey representative presented information regarding the creation and modification of known geothermal resource areas in Montana. The Committee also discussed the scope of the study and decided to concentrate on geothermal resources associated with Montana's water resources.

Water Research...Montana State University faculty updated the Committee on the continuing efforts to restructure the Water Center at MSU and how that effort would affect water research throughout the state. The Committee will review this topic again later in the interim.

Wilderness Dams...A U.S. Forest Service representative presented information on the new proposed federal policy regarding the use of mechanized equipment to maintain dams in wilderness areas. The Committee will decide whether or not to officially comment on the proposed policy at its next meeting.

Other Agenda Items...The Committee also received updates on the Northern Cheyenne and Fort Peck Water Compacts, Department of Fish, Wildlife, and Parks recreational water user fees study, DNRC water user fees study, water leasing program, and the activities of the State Water Plan Steering Committees.

Next Meeting...The next meeting is scheduled for Friday, March 6 in Room 108 of the State Capitol. In addition to those issues identified above, the Committee wil receive an introduction to the Water Reservation Study. For an agenda or more information on these issues, please contact the EQC staff.

JOB TRAINING PARTNERSHIP ACT REVIEW COMMITTEE

JTPA Committee to Meet...The legislative Job Training Partnership Act Review Committee will meet on Friday, March 6, at 9 a.m. in Room 104 of the State Capitol. The purpose of the meeting is to review the governor's job training coordinating plan for the upcoming two years. This will be the Committee's second meeting of the interim. The Committee will hold its final meeting in late March after which it will submit its formal comments on the plan. Further information can be obtained by contacting the Legislative Council.

UPDATE ON TOM GOMEZ

Editor's note: *The Interim* is not typically used to inform its readers of matters other than those directly related to legislative committees and legislative activities. However, many of you have expressed sincere concern and interest in our friend and colleague Tom Gomez. Consequently, we will break tradition and provide to you what information we have -- which, unfortunately, is not much!

News as of Wednesday, February 26, 1992

By now most of you know that Tom Gomez on the Legislative Council staff developed a very serious health condition in early February. The initial word on Tom's condition was not as good as it might have been, but was also much better than it could have been. He was flown to Denver on February 13 and, on Friday (2/14), doctors removed what they believe was a tumor from his brain. Over the weekend (2/15-16) Tom was subjected to additional tests that did not reveal very much. Shortly after the surgery, Dave Bohyer spoke with Tom's sister in Denver, Rachel Gomez, who is a registered nurse, and she told Dave that Tom's doctors are perplexed by his affliction. In a subsequent conversation between Dave and Tom, Tom was quite optimistic. Apparently the medical team have not seen a tumor of the type they removed from Tom, nor can they ascertain the cause of it. The pathology report from the oncologist was inconclusive and, even after further tests, remains inconclusive. At this time, they are speculating that the affliction may have migrated from elsewhere in his body. Tom was released from the hospital on February 20, but will stay in Denver until at least March 6 before returning to Montana. Consequently, Tom will continue to undergo additional tests.

If there is any good news in this report it is that Tom made it through the surgery very well. He has all of his motor functions, although some of them were impaired to various levels following the surgery. His faculties have improved every day since the surgery.

Although no overall prognosis has been made (at least to us), Rachel anticipates (from conversations with Tom's medical team) that Tom will be away from work for between 3 months and 6 months. (Tom tells us, however, that he should be back to work at some capacity in between 3 weeks and 6 weeks.)

Finally, all of us -- but especially Tom, June and their family -- appreciate the personal concerns you have expressed for Tom, and we on the Council staff appreciate your cooperation and understanding resulting from this situation. If you wish to send your sentiments to Tom, his address in Denver is c/o Rachel Gomez, 6130 South Monroe Drive, Littleton, CO 80121.

INTERIM CALENDAR

March 6, Water Policy Committee, Room 108

March 6, Job Training Partnership Act Review Committee, 9:00 a.m., Room 104

March 10 & 11, Committee on the Montana State Hospital, Great Falls

March 18, Joint Select Committee on Workers' Compensation, 9:30 a.m., Room 104

March 19, Revenue Oversight Committee, Room 104, 9:15 a.m.

March 20, Joint Interim Subcommittee on School Funding, 9:00 a.m., Room 413

April 3, Joint Interim Subcommittee on Mandated Health Insurance Benefits, 9:30 a.m., Great Falls

April 6, Information Processing Technology Subcommittee, 9:00 a.m., Room 104

April 6, Coal Tax Oversight Subcommittee, 9:30 a.m., Room 108

April 7, Legislative Finance Committee, 9:00 a.m., Room 104

April 24, Joint Committee on Postsecondary Education and Budget, 9:00 a.m., Room 104

May 15, Revenue Oversight Committee, Room 104

May 25, Memorial Day, holiday

July 4, Independence Day, holiday

July 10, Revenue Oversight Committee, Room 104

Sept. 7, Labor Day, holiday

Sept. 11, Revenue Oversight Committee, Room 104

Oct. 12, Columbus Day, holiday

Nov. 3, General Election day, holiday

Nov. 11, Veterans Day, holiday

Nov. 20 and 21, Revenue Oversight Committee, Room 104

Nov. 26, Thanksgiving Day, holiday

Dec. 25, Christmas Day, holiday

1993

Jan. 1, New Year's Day, holiday

Jan. 4, 53rd Legislature convenes

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